

The Salisbury Planning Board held its regular meeting on Tuesday, June 8, 2004, in the City Council Chamber of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Len Clark, Dr. James Johnson, Lou Manning, Brian Miller, Rodney Queen, Jeff Smith, Albert Stout, and Rev. Jerry Wilkes

ABSENT: Mitzi Clement, Sandy Reitz, Valerie Stewart, Diane Young

STAFF: Janet Gapen, Dan Mikkelson, Diana Moghrabi, Joe Morris, David Phillips, and Harold Poole

The meeting was called to order by Co-Chairman Rodney Queen. Reverend Jerry Wilkes gave the invocation. The minutes of the May 25 meetings were approved as published.

City Clerk, Myra Heard conducted a swearing in ceremony for members of the Planning Board. Members taking the oath of office include: Albert Stout, Jr. and Dr. James Johnson.

GROUP DEVELOPMENT SITE PLAN

(a) **G-07-89** Godley's Garden Center & Nursery, 2281 Statesville Blvd.

David Phillips made the staff presentation. An addition will be constructed between the main building and the greenhouses. The Technical Review Committee (TRC) made a recommendation to approve as submitted.

Those speaking in favor of the improvements: None

Those speaking in opposition to the improvements: None

Board Discussion

Jeff Smith made a motion to approve as submitted. **Lou Manning** seconded the motion, with all members voting AYE.

(b) **G-07-04** Firehouse Urban Lofts, 100 block of S. Lee & 200 block of E. Fisher

David Phillips made the staff presentation. He mentioned that this three-story site plan (14 residential units and 7 business units) will have to be submitted to the Historic Preservation Commission (HPC) for approval. It is located in a parking exempt overlay; however, thirty-four parking spaces will be included for residents. There will be some adjustments in the property lines. The developer is requesting a modification of standards from the subdivision ordinance.

Because of the location downtown, alternate methods of compliance were used regarding landscaping. The required number of points is 150. Staff made a recommendation to approve as submitted.

Those speaking in favor of the improvements: None

Those speaking in opposition to the improvements: None

Board Discussion

Brian Miller said this is the kind of development that he believes is desired downtown. It brings a “mixed use” component that will expand how we develop our downtown.

Mr. Miller made a motion to approve as submitted. **Jerry Wilkes** seconded the motion, with all members voting AYE.

(c) **G-08-04** Hendrix BBQ, 2488 Statesville Blvd.

David Phillips made the staff presentation. This property is zoned B-RT-S. The plan calls for an increase of 32 parking spaces, with a driveway onto Ashbrook Road. Landscaping needs are met. The minimum requirement for the travel aisle is 24 feet; they are submitting approximately 40 feet. Majolica Road will have a traffic signal in the near future. The existing driveway will be a “right in, right out” only. Staff made a recommendation to approve with a reduction in the pavement width between the rows of parking.

Those speaking in favor of the improvements:

John “Jay” Dees, Ketner and Associates, 121 E. Kerr Street. - Mr. Dees first distributed some maps to the Planning Board showing the proposed median cuts and traffic flow on Highway 70. NCDOT is creating a median on Highway 70 that will impact Hendrix BBQ. In addition, NCDOT has widened the highway and claimed some of the parking space from Hendrix BBQ, creating a need for a new parking lot. He offered reasons for a driveway cut that will direct traffic from the new Hendrix BBQ parking lot onto Ashbrook Road.

Timmy Garris, Owner of Hendrix BBQ, 2488 Statesville Blvd. - Mr. Garris reiterated the need for new parking for Hendrix BBQ, and the reason for the purchase of the lot located at the entrance of the Westcliffe neighborhood. He feels that the access to Ashbrook Road is good for the safety of both the neighborhood and his customers.

John Knox, 103 Ashbrook Road, owner of the home adjacent to the proposed new parking lot. – When he sold the lot to Timmy Garris, he initially had concerns, but now he does not have a problem with the access onto Ashbrook Road. He feels that he would be the resident most affected by the driveway, and he accepts it.

Harry Lippard, 145 Majolica Road (lives directly across the intersection from Hendrix BBQ) – Mr. Lippard wants the restaurant to be successful; the next business may not be as desirable. He does not believe that traffic would impact the residential neighborhood.

Sam Meredith, 2542 Enon Church Road, - He suggests that safety is the key issue and facts support that this driveway access is a valid request. Mr. Meredith praised the integrity of the Garris family and their business.

Those speaking in opposition to the improvements:

Jimmy Greene, 404 Willow Road, the immediate past president of Westcliffe Civic Association – There have been meetings with the Garris family and Mr. Dees about the purchase of the property, its rezoning and the use of this property as a parking lot. The Association voted in favor of the annexation of the parking lot, but was adamantly opposed to the driveway entrance and exit onto Ashbrook Road. Residents feel that the nearby u-turn is sufficient for traffic flow. A petition was submitted to the Planning Board with signatures of those opposed to the driveway access onto Ashbrook Road.

Jill McNeely, 306 White Oaks Drive – Most of the front of Hendrix BBQ has open access to the highway. Unless a wall is added, traffic from adjoining businesses would also use the Ashbrook Road access. Ms. McNeely is concerned for the safety of children in the neighborhood. There are concerns about large trucks using the Ashbrook Road access.

Robert H. Waddell, 419 Willow Road – The pavement quality of Ashbrook Road is minimal and will deteriorate quickly with increased use. Mr. Waddell also spoke on behalf of a Mrs. Kelly who lives at the intersection.

Jay Dees said the improvements are going to be curbed with driveway cuts. There have been complaints about trucks parking along Highway 70, on the dirt shoulder. This problem should be prohibited with the improvements.

Board Discussion

Rodney Queen requested that people in opposition please stand; seven people stood. Then he requested those in favor stand and 16 people stood. One person in favor actually lived in Westcliffe.

Lou Manning commented that the large trucks parking on the side of the highway are a problem and he has experienced a need for concern for drivers' safety.

Len Clark stated that he lives in Westcliffe. The neighborhood first met to discuss the site plan and agreed not to resist the rezoning. They have been opposed to the entrance onto Ashbrook Road from the very beginning and continue to be opposed. He feels that the residents were misled by the original plans. U-turns are not a preferred solution and it is certainly a problem to face. The “old” parking lot is wide open and the Ashbrook Road entrance is not critical to access the business. The increase in traffic and speeders into the neighborhood is a valid concern.

Brian Miller in favor of the driveway on Ashbrook Road from a planning prospective; having access to a signal intersection makes sense from the safety aspect. Mr. Miller does not believe the business will fail if they do not have access to Ashbrook Road. He does think that the neighborhood will not experience an increase in traffic. The neighborhood is against the driveway and protecting neighborhoods is something the Board wants to do. The neighborhood asserts that the median breaks are sufficient to allow the business to continue and Mr. Miller agrees. The neighborhood has already compromised by allowing the rezoning of the property to B-RT-S. At this time Mr. Miller mentioned the large chicken on top of Hendrix BBQ that is not in compliance with the City’s sign ordinance. It was noted that this was not the current discussion. Mr. Miller then apologized for bringing it up at this time.

James Johnson does not think it is a valid argument that the installation of a traffic signal would increase traffic into the neighborhood.

Jeff Smith asked Dan Mikkelsen to clarify the issue of traffic into the neighborhood and any safety concerns. Ashbrook Road is a City street, Hwy 70 is a NCDOT street, and the two work jointly at the intersection. The City can restrict through-trucks on a residential street. However, if a truck has its origin or destination along that prohibited road, it can still use that road. Mr. Smith did not think there had ever been any assurances that the B-RT-S rezoning was a compromise to an entrance onto Ashbrook Road; it was very clear that the driveway access was not an issue being addressed at the time of the rezoning. The decision was to be made at the site plan review. In the interest of safety it is good planning to have the driveway at Ashbrook Road. Mr. Smith is in favor of making the parking lot aisle less than 44 feet in width.

Len Clark said there is a likelihood of trucks parking down Ashbrook Road because it is easier that getting into the parking lot. Ashbrook Road has a steep grade and the ice and snow of winter is treacherous and introduces other dangers.

Rodney Queen said that the ordinance can allow no parking on either side or both sides of the street (on the city street). Dan Mikkelsen agreed and enforcement would be easy.

Jeff Smith wanted to know if the distance between the parking spaces could be changed. Mr. Mikkelsen stated that this site has a 44’ width and a normal distance is 24’ – 26’ wide. A few extra feet can be nice. The 20 extra feet; the length of that parking lot, is quite a bit of extra asphalt, which creates extra runoff and environmental concerns.

Jerry Wilkes did not feel ready to vote on this and made a motion that it go to committee. **Brian Miller** seconded the motion. **Jeff Smith** wondered his reasons and Mr. Wilkes preferred to comment in committee. **Mr. Smith** stated that he did not know where a compromise could be met in this situation and wondered what could be addressed in committee. Mr. Miller felt this was a valuable debate, but was concerned about the time element in the discussion. He would not object to more time to think about it.

Three members voted AYE to send to committee while five members voted NAY. Members voting AYE were Jerry Wilkes, Len Clark, and Brian Miller. Members voting NAY were James Johnson, Jeff Smith, Albert Stout, Lou Manning, and Rodney Queen.

Lou Manning commented on the issue of semi trucks using the Ashbrook Road driveway. It has been his experience that the trucks would use the driveway regardless of its size. There is evidence of this on curbing throughout the city. According to David Phillips the entrance will probably be a total of 34 feet.

Jeff Smith made a motion to approve with one revision to reduce the asphalt space between the parking aisles. The width should be limited to 30 feet and the driveway connection should not be changed. **Albert Stout** seconded the motion.

Rodney Queen reminded everyone that a lot of work had been done on the study of this corridor by a committee. He understands the concerns of the neighborhood. He feels what is being proposed is the safest choice. Mr. Queen then called for a vote.

Six members voted in favor; Lou Manning, Albert Stout, Brian Miller, Rodney Queen, Jeff Smith, and James Johnson. **Two members,** Jerry Wilkes and Len Clark, **voted against the motion.** G-8-04 was approved with the revision. This could go to City Council on June 15, 2004 and would be on the regular agenda.

(d) **G-13-03** H. D. Isenberg Elementary School, 2800 Jake Alexander Blvd. North

David Phillips made the staff presentation. It is an existing group development; any site plan changes have to go through the process. Under review is the placement of three mobile units. Staff made a recommendation to approve as submitted.

Those speaking in favor of the improvements: None

Those speaking in opposition to the improvements: None

Board Discussion

Lou Manning made a motion to approve as submitted. **Jerry Wilkes** seconded the motion, with all members voting AYE. Jerry Wilkes added that he hopes these will be temporary.

(e) **G-02-97** Alexander Place Apts., Phase II, 300 Block of Sunset Dr.

David Phillips made the staff presentation. This project was previously approved but experienced a delay and was not able to start within the required time limit. No changes have been made. TRC made a recommendation to approve as submitted.

Those speaking in favor of the improvements: None

Those speaking in opposition to the improvements: None

Board Discussion

Jeff Smith made a motion to approve as submitted. **Albert Stout** seconded the motion, with all members voting AYE.

(f) **G-03-86** Food Lion Store #435 (Salisbury Marketplace), 2104 Statesville Blvd.

David Phillips made the staff presentation. One change made to this site plan is a cut across a corner so a sewer line did not need to be relocated. This project experienced delays and the time limit had expired. TRC made a recommendation to approve as submitted.

Those speaking in favor of the improvements: None

Those speaking in opposition to the improvements: None

Board Discussion

Lou Manning made a motion to approve as submitted. **James Johnson** seconded the motion, with all members voting AYE.

(g) **G-12-00** Pinnacle Office Park, Phase II, 300 block of Jake Alexander Blvd. West

David Phillips made the staff presentation. This project was previously approved; however, this site plan increases the building size by 20 feet. TRC made a recommendation to approve as submitted.

Those speaking in favor of the improvements:

Chuck Hariss, Fisher- Hariss Development Co., 614 North Main Street. The process had been completed when their tenant realized the building needed to be bigger. Changes were just enough to have to come through the process again.

Those speaking in opposition to the improvements: None

Board Discussion

Jerry Wilkes made a motion to approve as submitted. **Lou Manning** seconded the motion, with all members voting AYE.

COMMITTEE REPORTS

- (a) Committee 1 (S. Reitz, ch) SUP-03-04 Michael Lee King, 1131 North Main Street
Lou Manning reported that information has been requested and staff has been working to get that prepared for the committee. A decision will be made at the next meeting. Mr. Manning apologized to those who attended this meeting in hopes of a decision. A meeting was scheduled Monday, June 14, 2004 at 8:30 a.m. on the first floor of City Hall.
- (b) Committee 3 (J. Wilkes, ch.) Zoning text amendment; wall murals/painted wall signs, mosaics, artwork, etc. The committee decided the following would provide the clarification it was looking for:
 - (1) Modify part (6) under Section 9.04. Signs Prohibited.
 - (a) Currently, part (6) reads as follows:
“Painted wall signs, as defined in Section 9.02; provided, that those signs painted on a wall prior to 1940 may be restored.”
 - (b) The proposal is to change part (6) to read as follows:
“Painted wall signs, as defined in Section 9.02, that promote commercial enterprise; provided that those signs painted on a wall prior to 1940 may be restored.”
 - (2) Modify part (1) under Section 9.02. Definitions. Part (1) is the definition of for a “Sign.” The modification would be in the form of an addition to read as follows:

“[NOTE: For the purpose of this ARTICLE, wall murals, mosaics, and other works of art shall not be considered as signs.]”

Jerry Wilkes made a motion that these modifications be adopted for zoning text changes and **Albert Stout** seconded with all members voting AYE.

- (c) Rules of Procedure Committee (co-chairs Rodney Queen & Jeff Smith) – committee quorums – **Jeff Smith** said that the committee met to try and resolve the issue of having a quorum at committee meetings. The committee is open to any other suggestions, or modifications.

Under ARTICLE V: BOARD COMMITTEES, a new Section 5 would be created which could be as follows:

VERSION #1:

If there is not a quorum for the committee meeting, the committee chair or, in his absence, the committee vice chair, shall appoint one or more other Planning Board members present, with preference given to the Planning Board Chairman. For four-member committees, three members are needed to have a quorum. If two committee members are present, the committee chair shall appoint the Planning Board Chairman to make the quorum; if the Planning Board Chairman is not in attendance any other Planning Board member may be appointed. If one committee member is present, the committee chair shall appoint the Planning Board Chairman and one other Planning Board member; if the Planning Board Chairman is not present, the committee chair shall appoint two other Planning Board members. A quorum shall always be 50% of the committee, plus one.

VERSION #2:

The Planning Board Chairman may appoint any other Planning Board member(s) as an additional alternate member to any committee as necessary for the purposes of satisfying quorum requirements. If there is not a quorum for the committee meeting and an alternate has not already been named, the committee chair or, in his absence, the committee vice chair may appoint any other Planning Board member(s) in attendance as necessary to satisfy quorum requirements. Quorum is hereby established as one more than half of the regular membership of the committee.

Voting is required to be delayed until June 22. Our Rules of Procedure direct the Board to wait one full meeting prior to casting votes on changes to be made to the Rules of Procedure.

- (d) Downtown Rezoning (B-6 to B-5) Committee (B. Miller, ch.) – The committee continues to work on this project.

FUTURE COMMITTEE MEETINGS

Committee 1 (S. Reitz, ch) SUP-03-04 Michael Lee King, 1131 North Main Street Monday, June 14, 2004 at 8:30 a.m. on the first floor of City Hall.

OTHER BUSINESS

The Land Development Ordinance Committee will be hosting a public workshop on June 17, 2004 at 4:30 p.m. in the Council Chamber. The committee has finished the draft of the first module of the new ordinance. An announcement will be published in the newspaper.

There being no further business to come before the Board, the meeting was adjourned.

Co-Chairman, Jeff Smith

Co-Chairman, Rodney Queen

Secretary, Diana Moghrabi